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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91210103
Party	Defendant Alberto Soler DBA Coki Loco and Miriam Soler
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

ALBERTO SOLER

d/b/a Coki Loco,

Miriam Soler

Applicant(s),

vs

Opposition: 91210103

THE COCA-COLA COMPANY,

Opposer.

_____/

**APPLICANT'S SOLER RESPONSE TO BOARD'S ORDER TO SHOW CAUSE WHY
NOT JUDGMENT AS VOID AB INITIO FOR WRONG OWNER**

*(Board's Rush for Unjust- willfully and recklessly disregarding the Truth and the Law not
even knowing the law)*

Applicants ALBERTO SOLER d/b/a Coki Loco and Miriam Soler (hereinafter SOLER) hereby files responding to the Board's order of July 19 2014 to show cause why not judgment as void ab initio for wrong owner application filing.

In support why all this is unjust once again and again always the same requiring the applicant(s) to response to yet again another corrupted order by the Board the same everywhere else related here with and also same IA Ms. *Christen English* and panel members named *Cataldo, Taylor and Greenbaum*;

SOLER now speaks again the truth for obviously all the proceedings here there everywhere else not just here has been compromised by who in-is the Opposer-The Coca-Cola Company.

STATEMENT OF THE RELATED FACTS OF THE CASE

1. On July 28, 2010, Alberto Soler and Carlos Garcia registered the d/b/a *GS WATERS* under the laws of the State of Florida. G10000069770.
2. On August 07, 2011, Mr. Juan Rodriguez (JR) filed an application, now registered, for the mark Coca Leaf under class 032. Reg. 4259407.
3. On February 01, 2012, JR registered the d/b/a THE COCA-LEAF COMPANY under the laws of the State of Florida. G12000067257.
4. On February 14, 2012, Alberto Soler organized/unincorporated an Association named Cola de Coki-(renamed COKI-The Association) under the laws of the State of Florida. The members of COKI at that time consisted of Alberto Soler, Carlos Garcia, William Soler and Juan Rodriguez.
5. On April 12, 2012, Mr. William Soler both as an individual and member of Cola de Coki, filed an application for the mark named COLA de COKI under class 032.
6. On July 05, 2012, Alberto Soler registered the d/b/a COKI LOCO under the laws of the State of Florida. G12000067257.
7. On **July 10, 2012**, Alberto Soler, as an individual owner d/b/a Coki Loco and his mother Miriam Soler also as an individual owner, filed as joint applicants an application for the mark named COKI COLA HAPPY MOTION under class 041.
8. On or about **November 2013**, Miriam Soler was directed and executed becoming a member of the Unincorporated Association named COLA de COKI under the laws of the State of Florida.
9. On [May 17th, 2014], due to SOLER'S mother worsening health problems, Miriam

Soler voluntary resigned/abandoned its membership status of the Association Cola de [COKI]

10. On May 18, 2014, Miriam Soler filed and declared relinquishment of rights, title and interest to individual/ joint ownership of the application here being opposed- COKI COLA HAPPY MOTION

I Alberto Soler, the Applicant, hereby certify, affirms and declares under the penalty of perjury that the above stated facts are true to the best of my knowledge.

/Alberto Soler/

Alberto Soler

11. On July 14, 2014, the Board issue an order requiring the Applicants to show cause why judgment should not be entered as void ab initio for wrong owner application filing because of the following statements by SOLER of a conversation with Opposer's counsel of record on *August 26, 2013*;

"So, I say just this for you now; Mr. Rodriguez, and Mr. Akcime (Mr. Wright, Vuelta and others and William Soler, my brother and Miriam Soler) are associates of mines and members of an association I planned for my business venture. I am in charge owner of the association and legal authority over the marks the members have under their names. The association owns the marks not the applicants based on the business and contract term executed"

THE BOARD'S RUSH FOR UNJUST

12. The Board obviously yet again always the same rushes for unjust also here **(A)** for no matter yet a trial authorizing introduction of those statements as reliable evidence for due process, **(B)** nor a discovery taken nor **(C)** an answer yet filed **(D)** nor any Opposer's motion on the issue pending and **(E)** but worst against the law- the Board sua sponte becoming -being instead the Opposer prosecuting for them their own

opposition grounds (4) and (5) that makes no sense nor law anyways, **(F)** and further more unlawfully and maliciously undertaken by the Board to make up the present unjust order to show cause when -first deciding that Applicant's motion for reconsideration will not be entertained but will be consider for the statement pleaded now used against-

SOLER will still sadly welcome such disgust for its now more clear and now again part of the record, that indeed to the highest degree the Board is currently corrupted and compromised by TCCC w/o a doubt.

So now SOLER will happily declare and assist the Board's interest for all for TCCC by now declaring and certifying that the statement above are true and correct as pleaded no matter if Opposer's counsel of record back then on August 23, 2013 never confirmed that it was stated indeed as pleaded and now adopted by the Board for unjust.

/Alberto Soler/
Alberto Soler

THE BOARD WILLFULLY AND RECKLESSY DISREGARDED THE TRUTH AND

THE LAW NOT EVEN KNOWING THE LAW HOW TO CORRUPT

13. The Board willfully and recklessly interjects lies about what is said and not said about all what SOLER'S statements pleaded what he said to Opposer's counsel during a telephone conversation attempting settlement.

We don't see that SOLER stated the "Association name is Cola de Coki" but only that Miriam Soler is a member of an Association. So obviously the Board eyes didn't see or read anything they are now saying they did see and read.

Nowhere in the record nor in the application do we read the word Association much less the name Cola de Coki. All that the application states is Alberto Soler, as an individual d/b/a Coki Loco, organized under Florida law just (5) days earlier, and Miriam Soler also as an individual. So the Board knows but obviously they know-that is called joint applicant and authorized by rule and law being 2 separate entity not a partnership nor joint venture. Clearly the Board either blind or willfully blind not wanting but intentionally wanting and did say a bunch of lies not being in any part of the record.

Furthermore so the Board also know the law not even knowing how to get away from not showing on the record that it is indeed corrupted when explaining away how SOLER cannot succeed by law, even if Miriam Soler was in fact, which is not, was a member of Cola de Coki before the application filing date and even if SOLER was indeed a member of COKI at the time of the application filing and even if SOLER not stating in the application d/b/a Coki Loco, SOLER has the right to correct the record to reflect that the Association Cola de Coki was the owner of the application. *TMEP 1201.02(c), (1), (2) and (5); ACCU v. ACCUSTAFF Opposition No. 89360 (TTAB February 23, 1996)*

So and to pretend we are in Never-never land as the Board was once inn for all this now here;

SOLER could still make up his own story being as the story ends but SOLER will not end with that story so that the Board also knows such story also being false for since under Florida law a Unincorporated Association/entity cannot sue or be sue by only by and through individual member(s) thereto, thus, not having standing to even file

an trademark application. **Fla. Stat. 605.0102 (2013);** Johnston v. Meredith,
#DCA-2655 (2003); TMEP 1201.01(d).

So that's the end to both of those stories

Now the real story and how this here now ends by truth and the law -for the Board forgot even how to plead the law for why issuing show cause why not judgment for violation to the law for wrong owner of the application.

Nowhere absolutely nowhere those the Board's order to show cause why judgment as void ab initio states that Alberto Soler d/b/a and Miriam Soler were not the owner of the application as of/on the filing date of July 10, 2012.-that is the law but the Board obviously forgot the law for rushing for unjust. *TMEP 1201.01* So now clearly in indeed on the record we all see what SOLER declared under the penalty of perjury that Miriam Soler became a member of Cola de COKI 1-year (4) months later in Nov/2013 and before SOLER'S conversation, not saying but SOER allowing did saying, of August 23, 2013 with Opposer's counsel.

Will the Board now continue the same never ending story of unjust and corruption in all of this-no matter for WHO when will make all of this the real story for all to know there was disgrace to them all.

CONCLUSION

14. WHEREFORE *whatever you all always do* –

WHO will do upon those-disgrace to the United States for all and why it stands and if and when also WHO will still do upon the United States for being instead the disgrace to all the people all over the world for and still allowing TCCC to grossly and maliciously

do upon them

I, Alberto Soler requested my ailing mother one last time to sign in all this unjust stuff not because the Board as postpone her relinquishment of ownership-

(who you people think you are-you not going to disrespect my mom from her rights to do as she please you guys not yet wanting to accept what is her rights to do-you never did when it came to Mr. Wright-all this is getting very personal to me you all also now doing also now this-you guys are really crazy thinking I am not going say something rite back at all of you now here)

but because I wanted you all too also here it from her believing in her son why in all of this she like me also meaning what was stated and saying what it all means to all corrupted not just 4 of you

I apologize to all 4 of you no matter all the unjust and disrespect but only if the United States Government forced and allowed all of you do upon me.

Filed this 18th day of August 2014 thru the ESTTA electronic filing system

/ALBERTO SOLER/
ALBERTO SOLER
Applicant

/Miriam Soler/
Miriam Soler

CERTIFICATE OF SERVICE

I HEREBY certify that a true and correct copy of the foregoing was furnished via attachment to Opposer's consented email address this 18th day of August 2014.

/Alberto Soler/
Alberto Soler
/Miriam Soler/
Miriam Soler

